

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOYCE F. HERNANDEZ,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

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Civil Action No. SA-09-CV-155-XR

ORDER ON MAGISTRATE JUDGE'S MEMORANDUM & RECOMMENDATION

On this date, the Court considered the United State Magistrate Judge's Memorandum and Recommendation, filed January 29, 2010, in the above-numbered and styled case (Docket Entry No. 14). After careful consideration, the Court ACCEPTS the Magistrate Judge's recommendation to affirm the Commissioner's decision.

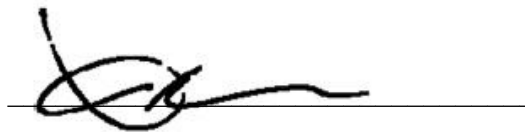
Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file her written objections within fourteen days after being served with a copy of the findings and recommendations. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Magistrate Judge issued her Memorandum and Recommendation on January 29, 2010. The Memorandum and Recommendation was entered on the docket and Plaintiff's counsel was served via the Court Management/Electronic Case Filing System on January 29, 2010. Accordingly, objections were due by February 16, 2010. Because no party has objected to the Magistrate Judge's Memorandum and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.").

In this case, Plaintiff seeks review of the Commissioner's decision to deny her applications for disability income benefits and supplemental social security insurance benefits. The Administrative Law Judge determined that Hernandez was not disabled within the meaning of the Act, finding that Hernandez has the residual functional capacity to perform light and sedentary work with limitations and is capable of making a successful adjustment to other work. The Magistrate Judge agreed that the Administrative Law Judge (ALJ) was justified in his assessment of the evidence and the weight he afforded to the testimony. The Magistrate Judge concluded that the finding was supported by substantial evidence and that the ALJ's decision comported with the correct legal standards.

The Court has reviewed the Memorandum and Recommendation and finds it to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). Accordingly, the Court ACCEPTS the Magistrate Judge's recommendations to deny Hernandez's request for relief and affirm the Commissioner's decision to deny benefits.

It is so ORDERED.

SIGNED this 17th day of February, 2010.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE